

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROGER TWENHAFEL, )  
Plaintiff, )  
v. ) Case No. 3:08-cv-117-GPM  
STATE AUTO PROPERTY & CASUALTY )  
INSURANCE COMPANY, )  
Defendant. )

**SCHEDULING ORDER**

Depositions upon oral examination, interrogatories, request for documents, and answers and responses thereto shall not be filed unless on order of the Court.

Disclosures or discovery under Rule 26(a) of the Federal Rules of Civil Procedure are to be filed with the Court only to the extent required by the final pretrial order, other order of the Court, or if a dispute arises over the disclosure or discovery.

Having reviewed the Report of the Parties and finding that the parties have complied with the requirements of Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), the Court hereby approves and enters the Proposed Scheduling and Discovery Order as submitted by the parties in lieu of the Pretrial Scheduling and Discovery Conference.

- A. A settlement conference is set before Magistrate Judge Donald G. Wilkerson in accordance with SDIL-LR 16.3(b) on **December 2, 2008, at 9:00 a.m.** in the East St. Louis Federal Courthouse. If the parties believe that a sooner or later settlement conference date will be beneficial, they may contact chambers.
- B. A final pretrial conference will be set before the trial judge in accordance with SDIL-LR16.2(b).

C. As initially set by the Court, the presumptive trial month is **April 2009**.

**DATED: April 18, 2008**

s/ *Donald G. Wilkerson*  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROGER TWENHAFEL d/b/a CONSOLIDATED SERVICES, Plaintiff(s),	)	)
	)	CASE NO.: 08-117 GPM
vs.	)	)
	)	CJRA TRACK: B
STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY, Defendant(s).	)	)
	)	JUDGE: G. Patrick Murphy
	)	

**JOINT REPORT OF PARTIES AND  
PROPOSED SCHEDULING AND DISCOVERY ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), an initial conference of the parties will be held via telephone conference on April 22, 2008 with attorneys and/or unrepresented parties participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. Initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34, shall be served on opposing parties by May 1, 2008.
2. Plaintiff's deposition shall be taken by COMPLETED.
3. Defendant's deposition shall be taken by COMPLETED.
4. Third Party actions must be commenced by N/A. Cross-claims and counterclaims shall be filed in accordance with the Federal Rules of Civil Procedure.
5. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff's expert(s): June 1, 2008.

Defendant's expert(s): September 15, 2008.

Third Party expert(s): N/A.

6. Depositions of expert witnesses must be taken by :

Plaintiff's expert(s): August 15, 2008.

Defendant's expert(s): November 15, 2008.

Third Party expert(s): N/A.

7. **Discovery** shall be completed by December 1, 2008 (which date shall be no later than one hundred fifteen (115) days before the first day of the month of the presumptive trial month). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

8. All **dispositive motions** shall be filed by December 20, 2008 (which date shall be no later than one hundred (100) days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

9. The Scheduling and Discovery Conference may, at the discretion of the Magistrate Judge, be canceled if the Magistrate Judge approves of the parties' proposed Scheduling and Discovery Order as submitted.

DATED: April 14, 2008

/s/ Scott P. Hendricks

Scott P. Hendricks  
Cynthia A. Hagan  
Hendricks & Hagan  
206 West College Street  
Suite 12  
Carbondale, IL 62901  
Phone: 618-529-2274  
Fax: 618-529-1638  
Attorneys for Plaintiff

/s/ John P. Cunningham (with consent)

John P. Cunningham  
Brown & James, P.C.  
Richland Plaza 1  
525 West Main Street  
Suite 200  
Belleville, IL 62220-1547  
Phone: 618-235-5590  
Fax: 618-235-5591  
Attorney for Defendant